

**SUMMARY REPORT OF INVESTIGATION<sup>1</sup>**

Date/Time/Location of Incident:	July 23, 2014/7:28 PM/ [REDACTED]
Date/Time of COPA Notification:	June 8, 2016/8:21 PM
Involved Officer #1:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED], 2001, Police Officer, Unit [REDACTED] (Bureau of Patrol – [REDACTED]), Date of Birth: [REDACTED], 1977, Male, White
Involved Officer #2:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED], 1998, Police Officer, 8 <sup>th</sup> District, Date of Birth: [REDACTED], 1974, Male, White
Involved Officer #3:	[REDACTED] Star # [REDACTED] Employee ID # [REDACTED] Date of Appointment: [REDACTED], 1986, Deputy Chief, Unit [REDACTED] (Office of the First Deputy Superintendent), Date of Birth: [REDACTED], 1965, Male, White
Involved Individual #1:	[REDACTED] Date of Birth: [REDACTED] 1965, Male, Black
Case Type:	05A – Excessive Force/On Duty - Injury

**I. ALLEGATIONS**

Officer	Allegation	Finding
Officer [REDACTED]	1. Arrested [REDACTED] without justification, in violation of Rule 6.	Not Sustained
	2. Intentionally hit the breaks abruptly while transporting [REDACTED] causing his head to hit the cage, in violation of Rule 6, Rule 8, and Rule 9	Not Sustained

<sup>1</sup> On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

	<p>3. Denied [REDACTED] medical care while transporting him to the police station after he hit his head, in violation of Rule 2 and Rule 8.</p> <p>4. Provided a false report on [REDACTED] arrest report RD # [REDACTED] that cannabis was found on or near [REDACTED] car seat, in violation of Rule 14.</p> <p>5. Kicked [REDACTED] in the ribs, in violation of Rule 6, Rule 8, and Rule 9.</p> <p>6. Punched [REDACTED] in violation of Rule 6, Rule 8, and Rule 9.</p>	Not Sustained Not Sustained Not Sustained Not Sustained
Officer [REDACTED]	<p>1. Handcuffed [REDACTED] too tightly, in violation of Rule 8 and Rule 9.</p> <p>2. Arrested [REDACTED] without justification, in violation of Rule 1.</p>	Unfounded Not Sustained
Deputy Chief [REDACTED]	1. Punched [REDACTED] in violation of Rule 6, Rule 8, and Rule 9.	Not Sustained

## II. SUMMARY OF EVIDENCE<sup>2</sup>

On July 23, 2014, at 7:28 pm, the complainant, [REDACTED] was arrested for cannabis possession. [REDACTED] denied he had cannabis and alleged he was handcuffed too tightly. Additionally, [REDACTED] alleged that during transportation, Officer [REDACTED] caused [REDACTED] to hit his head by breaking abruptly then denying [REDACTED] medical treatment. Finally, [REDACTED] alleged that Officer [REDACTED] Deputy Chief [REDACTED] and an unknown CPD captain responded by striking and kicking him.<sup>3</sup>

According to reports Officer [REDACTED] and Officer [REDACTED] curbed a vehicle [REDACTED] was a passenger in after they smelled cannabis emitting from the vehicle. Upon approach Officer [REDACTED] observed a clear zip lock bag containing suspect cannabis on the seat next to [REDACTED]. Officer [REDACTED] arrested [REDACTED] and searched the vehicle where he found another zip lock bag of suspect cannabis on the seat inside the car. While transporting [REDACTED] to the 8<sup>th</sup> district, [REDACTED] became irate and threatened to fight Officer [REDACTED]. Upon arrival at the district, [REDACTED] kicked out the rear window of the squad car. Officer [REDACTED] and Commander [REDACTED] used control tactics to remove [REDACTED]

<sup>2</sup>COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

<sup>3</sup> Allegations were not brought against any additional CPD members as available evidence suggest there was no third Department member present when [REDACTED] kicked out the car window at the 8<sup>th</sup> District.

<sup>4</sup> At the time of the incident now Deputy Chief [REDACTED] was the Commander of the 8<sup>th</sup> district.

from the vehicle. At the time, Officer [REDACTED] was arriving to the 8<sup>th</sup> district parking lot in the impounded vehicle.

[REDACTED] was transported by CPD to Holy Cross Hospital on July 24, 2014. [REDACTED] told hospital staff he was “stepped on” during a police altercation and he reported chest pain, shortness of breath, and hearing “a pop in left rib area.” [REDACTED] also reported “he was riding in the police car and the car stopped abruptly and he hit his head on the seat in front of him.” Hospital staff noted swelling, contusion, and tenderness on his forehead, in addition to tenderness of his chest and left wrist and “marks to wrists from hand cuffs.” [REDACTED] was given Tylenol and discharged to police custody.

Officers [REDACTED] and [REDACTED] and Deputy Chief [REDACTED] all provided statements consistent with each other and the Department reports. Attempts to interview the three women in the car with [REDACTED] were unsuccessful. No Body Worn Camera footage or In-Car Camera footage was available from this incident.

### III. ANALYSIS AND CONCLUSION

COPA finds **Allegation 1** against Officer [REDACTED] and **Allegation 2** against Officer [REDACTED] that they arrested [REDACTED] without justification, are **Not Sustained**. [REDACTED] denied he had cannabis, but Officers [REDACTED] and [REDACTED] stated they recovered cannabis from [REDACTED]. Since there is no video evidence and COPA was able to interview the three witnesses, there is not enough evidence to determine whether [REDACTED] had cannabis. Since COPA has not made a conclusive determination here, **Allegation 4** against Officer [REDACTED] that he provided a false report on [REDACTED] arrest report with RD # [REDACTED] that cannabis was found on or near [REDACTED] car seat, is also **Not Sustained**.

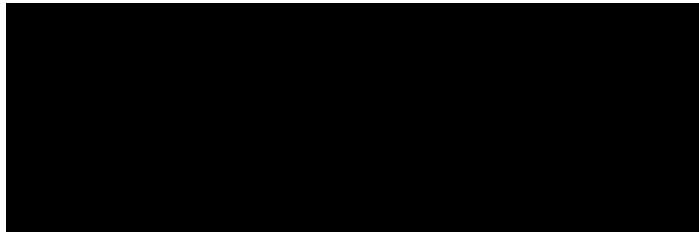
COPA finds **Allegation 1** against Officer [REDACTED] that he handcuffed [REDACTED] too tightly, is **Unfounded**. [REDACTED] initially asserted to IPRA that his handcuffs were applied so tightly that his skin peeled off when they were removed. In a statement to COPA, [REDACTED] related that his handcuffs gradually tightened because they were not double-locked. Medical records indicate that [REDACTED] complained of wrist pain, but nothing was noted as to handcuffs imbedded into skin or his wrists bleeding. Handcuffs are metal restraint instruments and are not meant to be comfortable. COPA finds by preponderance of the evidence, that this did not occur as alleged. Accordingly, the allegation that Officer [REDACTED] applied the handcuffs too tightly is Unfounded.

**Allegations 2 - 6** against Officer [REDACTED] are **Not Sustained**. [REDACTED] alleged Officer [REDACTED] was speeding and then braked abruptly, causing [REDACTED] to hit his head on the divider. However, Officer [REDACTED] denied doing so. While medical records did indicate that [REDACTED] forehead was tender and bruised, there is no proof as to when or how [REDACTED] head may have been injured. The department members denied any conduct that caused these injuries. Thus, there is not enough evidence to determine if Officer [REDACTED] caused [REDACTED] injuries and **Allegation 2** is **Not Sustained**.

Similarly, since there is insufficient evidence to determine whether Officer [REDACTED] caused [REDACTED] to hit his head, there is not enough evidence to determine if Officer [REDACTED] denied [REDACTED] medical attention and **Allegation 3** is also **Not Sustained**.

**Allegations 5 and 6** against Officer [REDACTED] that he kicked [REDACTED] in the ribs and punched him, are **Not Sustained**. Similarly, COPA finds **Allegation 1** against **Deputy Chief [REDACTED]** that he punched [REDACTED] is **Not Sustained**. Deputy Chief [REDACTED] and Officer [REDACTED] both denied using force against [REDACTED] and denied seeing the other use force against [REDACTED]. While [REDACTED] received medical care, COPA could not verify how or when his injuries occurred. Since there is no independent evidence to verify or refute [REDACTED] allegations, these allegations are Not Sustained.

Approved:



March 1, 2019

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Date

*Deputy Chief Administrator – Chief Investigator*

**Appendix A**

## Assigned Investigative Staff

<b>Squad#:</b>	Four
<b>Investigator:</b>	[REDACTED]
<b>Supervising Investigator:</b>	[REDACTED]
<b>Deputy Chief Administrator:</b>	[REDACTED]